

Senate File 2310 - Introduced

SENATE FILE 2310
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2146)

A BILL FOR

1 An Act relating to the underage possession or consumption of
2 alcohol and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 123.47, Code 2014, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 1A. a. Except for the purposes described
4 in subsection 2, a person who is the owner or lessee of, or who
5 otherwise has control over, property that is not a licensed
6 premises, shall not knowingly permit any person, knowing or
7 having reasonable cause to believe the person to be under legal
8 age, to consume or possess on such property any alcoholic
9 liquor, wine, or beer.

10 b. A person who violates this subsection commits the
11 following:

12 (1) For a first offense, a simple misdemeanor punishable as
13 a scheduled violation under section 805.8C, subsection 7A.

14 (2) For a second or subsequent offense, a simple misdemeanor
15 punishable by a fine of five hundred dollars.

16 Sec. 2. Section 123.47, subsection 2, Code 2014, is amended
17 to read as follows:

18 2. A person or persons under legal age shall not purchase or
19 attempt to purchase, consume, or individually or jointly have
20 alcoholic liquor, wine, or beer in their possession or control;
21 except in the case of liquor, wine, or beer given or dispensed
22 to a person under legal age within a private home and with the
23 knowledge, presence, and consent of the parent or guardian, for
24 beverage or medicinal purposes or as administered to the person
25 by either a physician or dentist for medicinal purposes and
26 except to the extent that a person under legal age may handle
27 alcoholic beverages, wine, and beer during the regular course
28 of the person's employment by a liquor control licensee, or
29 wine or beer permittee under this chapter.

30 Sec. 3. Section 123.47, subsection 3, paragraph a,
31 unnumbered paragraph 1, Code 2014, is amended to read as
32 follows:

33 A person who is eighteen, nineteen, or twenty years of
34 age, other than a licensee or permittee, who violates this
35 section regarding the purchase of, or attempt to purchase, or

1 consumption of alcoholic liquor, wine, or beer, or possessing
2 or having control of alcoholic liquor, wine, or beer, commits
3 the following:

4 Sec. 4. Section 123.47B, Code 2014, is amended to read as
5 follows:

6 **123.47B Parental and school notification — persons under**
7 **eighteen years of age.**

8 1. A peace officer shall make a reasonable effort to
9 identify a person under the age of eighteen discovered
10 consuming or to be in possession of alcoholic liquor, wine, or
11 beer in violation of section 123.47 and refer the person to
12 juvenile court.

13 2. The juvenile court officer shall notify the person's
14 custodial parent, legal guardian, or custodian of the
15 violation. In addition, the juvenile court shall also make
16 a reasonable effort to identify the elementary or secondary
17 school which the person attends if the person is enrolled in
18 elementary or secondary school and to notify the superintendent
19 or the superintendent's designee of the school which the person
20 attends, or the authorities in charge of the nonpublic school
21 which the person attends, of the consumption or possession. A
22 reasonable attempt to notify the person includes but is not
23 limited to a telephone call or notice by first-class mail.

24 Sec. 5. Section 232.52, subsection 2, paragraph a,
25 subparagraph (4), subparagraph division (a), subparagraph
26 subdivision (ii), Code 2014, is amended to read as follows:

27 (ii) Section 123.47 regarding the purchase, ~~or~~ attempt to
28 purchase, or consumption of alcoholic beverages.

29 Sec. 6. Section 232.52, subsection 2, paragraph a,
30 subparagraph (4), subparagraph division (a), subparagraph
31 subdivision (vi), Code 2014, is amended to read as follows:

32 (vi) Two or more violations of section 123.47 regarding the
33 consumption or possession of alcoholic beverages.

34 Sec. 7. Section 805.8C, Code 2014, is amended by adding the
35 following new subsection:

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1 fine of \$500; and for a third or subsequent offense the person
2 commits a simple misdemeanor punishable by a fine of \$500 and
3 suspension of the person's motor vehicle operating privileges
4 for up to one year.